Mr. C. A. Kunjunni Raja *(Advocate-General):* I do not say from Chittur. But Courts have expressed that there is no necessity to give this right in non-commercial towns.

Amendment put and lost

Clause 2 of the Bill put and carried

Clause 1 put and carried

The title and preamble put and carried

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill be taken up and passed tomorrow.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second the motion.

Motion put and carried

The Cochin Town Councils Bill

Dr. A. R. Menon *(Minister for Rural Development):* I move that the Cochin Town Councils Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

* **Dr. A. R. Menon** *(Minister for Rural Development):* I think it is but proper to express my reasons as briefly as possible for bringing forward this measure and also to give the salient features in a rough way embodied in this Bill. There is a general tendency that as far as possible the powers must be handed over to the people themselves in managing their own local affairs. This tendency has been evinced not only in the State but all over India, and as a popular Minister, I thought it my duty to introduce in this House a measure which will go a very long way in handing over the powers to the representatives of the people themselves. This Bill is neither brought with any spirit of oppressing our people nor do I wish that it should be a party measure, and so I invite the members to vote as they please and if I find that the consensus of opinion is against this measure, then it will be my duty to withdraw the measure *(hear, hear)*. The main function of the Minister is to persuade the reserved half to accept a measure of this kind and I have succeeded in doing so. Regarding the other half the question must be decided by the members themselves and I do not want to get a snap division to carry things by a small minority. If the House thinks that the time has not come to introduce a measure of

* Speech not corrected by the hon'ble member.

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this kind, I will be the last person to pursue a course of opposition against the wishes of this House *(hear, hear)*. At the same time I thought it was my duty at the earliest possible moment to present this major measure of reform to enable our people to take over the administration of their own jurisdiction. I do not say that this Bill does not admit of modifications, variations and restrictions if you like. But I do not think that I was wrong so far as the principle underlying the measure is concerned. Unless we hand over these powers gradually to our own people the word democracy loses its significance. Democracy finds its cradle in the villages and unless that spirit of democracy of self rule is instilled in the minds of the villages there is no possibility of a sound growth of democratic institutions. Rightly or wrongly for better or worse we have launched ourselves into a course of democratic administration in the State, and I thought I would have the support and co-operation of this House in enacting a measure of this kind.

As I said various alterations are necessary and if you allow the Bill to go to a committee consisting of people who have wide experience in municipal administrations also, I believe, they will be able to hammer out a measure which might remove the important objectionable features contained in this measure. If the House, as I said, takes the view that it is not necessary, I shall not be vexed or aggrieved, but withdraw the measure.

Now I want the House to understand one or two aspects before they come to a decision on this matter, because I know that very rightly some of the hon'ble members are very anxious, even my own friends—I mean members of our own party—are very anxious as to the effect of this measure. The main object of introducing a measure of this kind is to give some relief, to enable the Government to give more relief, to the real rural areas. The amount that is budgetted for these departments is insufficient to meet the essential requirements of the villages after meeting the necessary expenditure for running these small towns. The question is, are you to divide this amount among these towns which consume a very substantial portion of the allotment and distribute the balance to the villages, or are you going to ask the towns to bear a share of the burden for the enjoyment of the civic rights and civic improvements, so that this additional allotment may be given for the village reconstruction, for the village amenities, to improve the village communications and in a way to expand the rural communications. That is the position. I want hon'ble members to grasp this point.

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I have been in this very Council for some years and I can assert that not a single budget session has passed without raising the voice of protest about the step-motherly way in which the Government treated villages and village interests. I have heard of vehement criticism of Government in that they have not done what they ought to and what they should have done with regard to the villages. I now want the House to understand that unless means are forthcoming, it is very difficult to do any good to the villages. It is only with this view and not with a view to impose an additional taxation upon the towns that I have brought forward this measure. Now let us just think for a moment. Take Tattamangalam and Irinjalakkuda for instance. They are towns whose population may not be more than 10 or 12 thousand. Here it is stated that for the purpose of declaring any rural area to be a town there shall be a population of at least 5,000. Nothing prevents the Select Committee to raise the figure to 7,000, 8,000 or even 10,000 as the case may be. But unless you make a line of demarcation between the rural areas and the smaller towns, I apprehend that we will not be in a position to discharge our duties by the villagers. Therefore the question arises, if Tattamangalam and Irinjalakkuda can bear a share of the burden, are you going to tell me that a place like Kunnamkulam, a rich place, a commercial place from where the Hon'ble Member, Mr. Iyyu hails, cannot bear its legitimate share? If you go through the budgets of these parts for the last 13 or 14 years, you will find that a substantial allotment had to be given year after year to the Kunnamkulam town itself. I am not saying anything against Kunnamkulam getting it. But I am saying, in that process of giving year after year substantial sums to one town, the other rural areas are starved. Further, the House itself gave me a direction and asked me a question as to when I propose to bring this measure. Therefore the House knew that I was preparing a measure of this kind. Certainly the details were not given before-hand, but the Bill was published in the Gazette sufficiently early. Any way they knew that I was preparing a Bill and it is with their direction that I place this measure here now. When I delayed in presenting this Bill, a question was put to me why the Bill was not introduced. Of course, I explained then that due to exigencies of time, for want of time during the budget session, it could not be presented then. Now during the next session—the present session—this Bill is brought forward. Therefore the onus of responsibility for this measure should not entirely be borne by me alone, but the House must also share it. After considering these various aspects, if the House thinks that this is a measure which ought to be sent to the Select Committee for the purpose of considering properly the various implications, I invite the House to do so. If the House thinks that the measure

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is so revolutionary, so destructive and calculated to do so much harm to our people, then I invite the House forthwith to refuse the measure. As I said, there is nothing in my mind that prompts me to get this measure passed, by some trick or cunning or catching words. As to whether they should support this or not, it is for them to decide. I hope, this House which always evinces a great interest in the rural areas, will come forward to support me so that I may turn more and more my attention to the villages. If the House had changed their minds of those days, then, I have nothing to say, but withdraw this measure.

There is another point also which I wish to bring before the House. If you want to run this system of Government—as I believe and hope, the system of Government will be run by the representatives of the people in course of time—there must be some life. You cannot have a democratic system of Government or a popular, representative system of Government at the centre and a number of units to be spoon-fed by Government itself. True, that foundation will not be a strong, solid and reliable foundation upon which you can have a superstructure of responsible and democratic system of Government. Therefore it is only by extending measures of this kind, by making the people realise their responsibilities which, I am sorry to say in some cases they do not realise now, it is only by making them realise their responsibilities and affording them facilities to realise their inborn gifts and the gifts they have acquired in the matter of running Governmental institutions and the management of home affairs, that we could expect to advance any democratic system of Government. It is only by following these tedious processes that we could achieve the end we have in view. And as I said, so long as I am here, I consider it my duty, if and when occasions arise, to transfer such power to our own people through their representatives. It is with that view that I have introduced this measure and if the House views this matter as I do, then I would suggest to the House to send this to the committee and make such alterations as might possibily can so as to remove any defects or undesirable features in this measure and hammer out a measure which would be acceptable to the House. I have nothing more to say than this. I therefore commend this Bill for the acceptance of the House.

Mr. C. V. Iyyu *(Kunnamkulam):* On a point of information, Sir, is it not enough if the Government brings into effect section 373 of the Cochin Municipal Act which reads as follows.—

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"The Government may, by notification, issued after previous publication—

(*a*) constitute any specified area into a minor Municipality and extend to it the provisions of this Act subject to such restrictions and modifications as they may think fit;

(*b*) enforce either permanently or temporarily all or any of the provisions of this Act relating to scavenging (Chapter VIII), nuisances (Chapter XI) licenses and fees (Chapter XII) and vital statistics and the prevention of disease (Chapter XIII), in any specified area in a taluk and appoint officers for carrying out these provisions, such officers shall have the powers of a Municipal authority."

In the face of the above provision, is it necessary that we should have a separate Town Councils Act? I have noted from the Statement of Objects and Reasons of this Bill that except the right to collect tolls, all other rights are given to these so-called Town Councils although they be in a reduced scale. Just for the sake of excluding the toll, is the Town Council Act which you are going to introduce necessary even in small village towns?

*Dr. A. R. Menon *(Minister for Rural Development)*: I forgot to mention those salient features because I do not know whether this measure is going to be accepted. The only fundamental difference between the major Municipality and the minor Municipality so far as this Bill is concerned is this. We have decided that there shall be no tolls and in accordance with it Government shall maintain all the main roads that are now maintained by the Municipalities. That is one main difference and I don't understand even on a reading of the section the difference between the major Municipality and the minor Municipality. The same rules are given. And secondly a number of changes have been effected. The number of councillors have been fixed. The population is fixed and also the rate of taxation. All these amendments are embodied here and apart from that, the same sentences even are written here. There are two ways of doing it, no doubt. I thought it will be more convincing. It will give another chance for the members to criticise. As I said, I am not at all anxious by any backdoor method to introduce this measure. It is only with the free will and sanction of this House that I wish to get this passed. Otherwise, I know this measure will not be a success.

* Speech not corrected by the hon'ble member.

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Mr. C. V. Iyyu *(Kunnamkulam):* As far as the tolls are concerned, it is obligatory on the part of the Government to hand over the tolls to the Municipalities. According to this Act, that section alone may be amended and it may be left to the option of the Government or not.

Mr. C. A. Kunjunni Raja *(Advocate-General):* What about elections?

Mr. C. V. Iyyu *(Kunnamkulam):* Even those things are there.

Dr. A. R. Menon *(Minister for Rural Development):* Why should I not give another chance to this Council to go through this measure and decide what alterations they should make or to decide whether they want it or not? I am giving another chance for the House to go through the whole thing, to consider the whole aspects and if they think that the Panchayats have advanced to such an extent--after going through a number of administration reports I understand there is no country or State in India which has attained the same development in the Panchayat field as our own State—then let them do whatever they please. For these reasons I thought we would do well to bring a separate Bill before the House for discussion. That is all.

Mr. C. A. Kunjunni Raja *(Advocate-General):* There are several other difficulties too. Under section 373 of the Municipal Act, for each area separate notifications have to be made, and they have to fix the constitution, powers and the applicability of the various sections of the Act. All this can be avoided if you have got a separate compact Act. In that case it will be very easy to enforce it and you have to look into only that Act.

Mr. C. V. Iyyu *(Kunnamkulam):* After all, these applications and notifications have to be put in paper and print.

Deputy President: Order, order. You cannot carry on a debate like that.

Mr. T. K. Nayar *(Pazhayannur):* May I just make a request, Sir, that is, just to adjourn this Bill till tomorrow for consideration.

Deputy President: If the House is agreeable, the Bill will be taken up tomorrow for further discussion. I hope the House will agree to that.

The House agreed.

The Cochin Insolvency Act Amendment Bill

Deputy President: The Advocate-General will now introduce the Cochin Insolvency Act Amendment Bill.

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